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APPLICATION NUMBER	08/786,667	FILING DATE	01/21/97	FIRST NAMED APPLICANT	CLANCY	ATTY. DOCKET NO.	J SSH-016
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35M1/0820

DONALD L WOOD
YOUNG AND BASILE
SUITE 624
3001 W BIG BEAVER
TROY MI 48084-3109

EXAMINER

CONLEY, F
ART UNIT PAPER NUMBER

3508

DATE MAILED: 08/20/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 01/21/97

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) 1-7, 10-12, 14-18 is/are rejected.
- ☐ Claim(s) 8-9 & 13 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

Art Unit:

Claim Rejections - 35 USC § 112

1. Claim 6 recites the limitation "the upper hole and lower hole". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat.

No. 4,643,065 to Logas.

In reference to claims 1-2, Logas discloses a multi-point sliding door latch comprising: a unitary hollow housing; a pair of vertically spaced upper and lower hooks each mounted in the housing for movement between a retracted, unlatched position within the hollow of the housing and an extended, latched position extending out of the hollow of the housing; an actuator means positioned in the housing intermediate the upper and lower hooks, and operative in response to turning movement of a tail member to move the upper and lower hooks in unison between their unlatched and latched positions; and the hooks are pivotally mounted in the housing.

Art Unit:

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat.

No. 4,643,065 to Logas in view of U.S. Pat. No. 1,716,113 to Carlson.

In reference to claims 5-6, Logas discloses all of the applicant's claimed limitations except for a sidewall having upper and lower openings wherein the upper hole is positioned vertically between the actuator means and the upper hook and the lower hole is positioned vertically between the actuator means and the lower hook. Carlson discloses a housing having a sidewall having upper and lower openings for a fastener 35 wherein the upper hole is positioned vertically between the actuator means and the upper hook and the lower hole is positioned vertically between the actuator means and the lower hook. It is well known in the art to place fastener holes between the hook and actuating members of a locking mechanism, and it would have been obvious to place the upper and lower holes in the sidewall of Logas as taught by Carlson in order to mount the housing to the stile.

6. Claims 1-4, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,413,025 to Sperry in view of U.S. Pat. No. 4,643,065 to Logas.

Art Unit:

In reference to claims 1-4, 7, and 10, Sperry discloses a multi-point sliding door latch comprising: a unitary hollow housing; a pair of vertically spaced upper and lower hooks each mounted in the housing for movement between a retracted, unlatched position within the hollow of the housing and an extended, latched position extending out of the hollow of the housing; a actuator means positioned in the housing intermediate the upper and lower hooks, and operative in response to turning movement of a tail member to move the upper and lower hooks in unison between their unlatched and latched positions; the actuator means comprises upper and lower actuators positioned in vertically spaced side-by-side relation in the housing and each pivotally mounted in the housing, and the actuators are ganged together by a gang link so that pivotal movement of one actuator generates corresponding pivotal movement of the other actuator; the latch further includes an upper link interconnecting the upper actuator and the upper hook and a lower link interconnecting the lower actuator and the lower hook; Sperry fails to disclose the hooks are pivotally mounted in the housing; the hooks move in opposite directions about their respective pivot axes, and each are pivotally mounted in the housing for movement between a retracted, unlatched position within the hollow of the housing and an extended, latched position extending out of the hollow of the housing.

7. Claims 11-12 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,413,025 to Sperry in view of U.S. Pat. No. 4,643,065 to Logas, and further in view of U.S. Pat. No. 3,162,472 to Rust.

Art Unit:

In reference to claims 11-12 and 14-18, Sperry, as modified, discloses all of the applicant's claimed limitations except for a handle assembly including an escutcheon plate adapted to be mounted on the stile of the door, a handle mounted on the escutcheon plate, a latch actuator device mounted on the escutcheon plate and including a tail member adapted to extend through an aperture in the stile for receipt by the actuator member, and upper and lower fastener members extending through upper and lower holes in the escutcheon plate, through the stile, and through the upper and lower holes in the housing sidewall. Rust discloses a latch having a handle assembly including an escutcheon plate adapted to be mounted on the stile of the door, a handle 22 mounted on the escutcheon plate, a latch actuator device mounted on the escutcheon plate 12 and including a tail member 11 adapted to extend through an aperture in the stile for receipt by the actuator member, and upper and lower fastener 23 members extending through upper and lower holes in 5 the escutcheon plate, through the stile, and through the upper and lower holes in the housing sidewall. It would have been obvious to utilize the handle assembly taught by Rust on the latch assembly of Sperry in order to provide an assembly for a sliding glass door.

Allowable Subject Matter

Claims 8-9 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit:

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The list of prior art contain methods of constructing latch assemblies.

U.S Pat. No. 4,973,091 to Paulson et. al.

U.S. Pat. No. 1,716,113 to Carlson

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick Conley whose telephone number is (703) 308-7468.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Meyers, can be reached on (703) 308-3868. The fax phone number for this Group is (703) 305-3597.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [steven.meyers@uspto.gov].

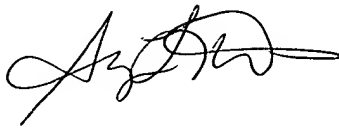
All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Art Unit:

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read 'Suzanne Dino', with a stylized flourish at the end.

SUZANNE DINO
PRIMARY EXAMINER
GROUP 3500

FC

August 17, 1997